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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,925	11/13/2003	Robert L. Franch	YOR920030363US1	9878
33233 7590 01/24/2008 LAW OFFICE OF CHARLES W. PETERSON, JR. Yorktown 435B Carlisle Dr. Herndon, VA 20170			EXAMINER MISKA, VIT W	
			ART UNIT 2833	PAPER NUMBER
			MAIL DATE 01/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/712,925

Applicant(s)

FRANCH ET AL.

Examiner

Vit W. Miska

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-30, 36-38 and 103 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-30 and 36-38 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hunter (5684760).

2. The reference discloses a circuit for measuring timing uncertainties in a clock signal, said circuit comprising: a local clock buffer 5 receiving a global clock at input 4 (col. 2, line 3) and providing a local clock to circuits 1 and 7; a delay line 1 (col. 1, line 65) receiving said local clock, said local clock traversing said delay line and being provided as an output at output taps along said traversed delay line (col. 2, lines 9-10); and a register 7 clocked by said local clock and capturing the state of said output taps

(col. 2, line 15), progression of said local clock through said delay line being captured in said register.

3. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated Gomm et al (6801070) (5684760). The reference discloses a circuit for measuring timing uncertainties in a clock signal, said circuit comprising: a local clock buffer 124 receiving a global clock CLKIN or XCLK and providing a local clock START/TOP, a delay line 302.1-302.X receiving said local clock, said local clock traversing said delay line and being provided as an output M1-MX at output taps along said traversed delay line, and a register 304.1-304.X clocked by said local clock and capturing the state of said output taps, progression of said local clock through said delay line being captured in said register, the delay line being at least 3 cycles long as seen from Fig. 2 (the START and STOP signals containing at least 3 cycles of XCLK), the clock edges being identified by matched state pairs at adjacent taps, as evident from Figs 2. and 3.

Response to Arguments

4. Applicant's remarks have been given careful consideration, but have not been found persuasive with respect to claim 1. Applicant argues that Hunter lacks a "global

clock” and that the input pulse at 4 is aperiodic and random, and therefore not a global clock.

5. Hunter, however, identifies pulse 4 as an “input pulse signal the period of which represents a time interval to be measured”, at col. 2, lines 3ff. Thus, signal 4 has a period which is measured and thus qualifies as a clock by definition. With respect to the term “global clock”, the specification or claims fail to limit the term to a specific configuration, and thus the term is given the broadest reasonable interpretation. The input pulse signal 4 in Hunter thus may be considered a “global clock”, absent further limitations in the claim.


6. Regarding the remaining claims, applicant’s comments are moot in view of the new grounds of rejection.

7. Claims 5-30 and 36-38 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 571-272-2108. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, P. Bradley can be reached on 571-272-2001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Vit W. Miska
Primary Examiner
Art Unit 2833